

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Conway	Team: Squad #4	CCRB Case #: 201304457	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/18/2013 1:16 AM	Location of Incident: Southeast corner of Riverdale Avenue and Herzl Street.	Precinct: 73	18 Mo. SOL 11/18/2014	EO SOL 11/18/2014	
Date/Time CV Reported Sun, 05/19/2013 11:12 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/23/2013 11:05 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Beasley	15136	951534	PBBN
2. POM Thaddeus Grandstaff	15264	951784	PBBN
3. POM Daniel Berardi	07962	948658	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Craig Edelman	00000	932592	PBBN
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Thaddeus Grandstaff	Abuse: At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus Grandstaff frisked § 87(2)(b)	
B.POM Kevin Beasley	Abuse: At Riverdale Avenue and Herzl Street in Brooklyn, PO Kevin Beasley frisked § 87(2)(b)	
C.POM Thaddeus Grandstaff	Abuse: At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus Grandstaff questioned § 87(2)(b)	
D.POM Thaddeus Grandstaff	Force: At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus Grandstaff used physical force against § 87(2)(b)	
E.POM Daniel Berardi	Discourtesy: At Riverdale Avenue and Herzl Street in Brooklyn, PO Daniel Berardi spoke discourteously to § 87(2)(b)	

Civilian Statement

At 1:10 a.m. on May 18, 2013, § 87(2)(b) and his friend § 87(2)(b) were walking down Riverdale Avenue between Amboy Street and Herzl Street in Brooklyn. § 87(2)(b) was carrying a loaded semiautomatic .22-caliber Jiminez Arms handgun in his waistband. The two males were encountered by officers in an unmarked car, identified as Lt. Craig Edelman, PO Thaddeus Grandstaff, and PO Kevin Beasley. The officers asked where § 87(2)(b) was going. § 87(2)(b) said to his cousin's house, ignored the officers, and kept walking. § 87(2)(b) alleged that the officers then exited the vehicle and approached § 87(2)(b) and § 87(2)(b) alleged that PO Grandstaff and PO Beasley frisked him (**Allegations A and B**), and during the frisk his gun slid down his pant leg into the top of his boot. The officers did not discover the gun and walked back towards their vehicle.

§ 87(2)(b) began to walk away, but he limped due to the gun being in an awkward position in his boot. PO Grandstaff asked why § 87(2)(b) was limping (**Allegation C**), and he replied that his leg was "messed up." § 87(2)(b) ducked behind a parked car and tossed the gun underneath the car and attempted to flee the scene. PO Grandstaff then apprehended § 87(2)(b) and took him to the ground, and § 87(2)(b) alleged that PO Grandstaff kicked or stomped him in the back of the head, causing his forehead to impact the ground (**Allegation D**) and an abrasion to appear on his left forehead. An officer that § 87(2)(b) identified as PO Berardi responded to the scene, and allegedly said, "You know you fucked up" (**Allegation E**) (original IAB complaint encl. 3a-c; CCRB complaint encl. 4a-b; CCRB statement encl. 5a-d).

Mediation, Civil and Criminal Histories

- A FOIL request sent to the Office of the Comptroller indicates that no notice of claim was filed in regards to this incident (encl. 14a).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) is a known member of the § 87(2)(b) gang headquartered in the 73rd Precinct. Police and media records indicate that these gangs are associated with numerous homicides, shootings, robberies, credit card frauds, and gang warfare in Patrol Borough Brooklyn North, and are known to be gun carriers and shooters.

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) with the CCRB (encl. 1f).
- Lt. Edelman has two substantiated allegations against him in his eleven-year tenure (encl. 1c).
 - In CCRB #201305427 allegations of stop and frisk were substantiated against Lt. Edelman. He received charges as penalty.
- PO Grandstaff has no substantiated allegations against him in his three-year tenure (encl. 1a-b).
- PO Berardi has had no substantiated allegations against him in his four-year tenure (encl. 1d).
- This is the first CCRB complaint filed against PO Beasley in his three-year tenure (encl. 1e).

Finding and Recommendations

Allegations Not Pleaded

- **Stop and Force:** § 87(2)(b) was also arrested in this incident. § 87(2)(b) alleged that § 87(2)(b) was “beaten” though he did not see and could not describe this. § 87(2)(b) provided a brief phone statement in which he provided vague details regarding the alleged force and could not assign actions to specific officers. § 87(2)(b) offered no context to what happened to him, including any force used and what lead to his apprehension and arrest. § 87(2)(b) was uncooperative with the investigation in providing a sworn statement (encl. 18ah), and as § 87(2)(b) did not see what happened and given the dearth of details in § 87(2)(b)s account, no allegations are pleaded for him.
- **Stop:** Police interaction with § 87(2)(b) constituted basic requests for information, and did not rise to the level of a stop. When officers observed § 87(2)(b) holding a firearm, the situation escalated immediately past the level of a stop and to probable cause to arrest. It is undisputed that § 87(2)(b) had this firearm in his possession and exposed it to police by throwing it under a car, thereby generating probable cause to arrest. Consequently, only a question allegation is pleaded, as the stop itself, which occurred immediately after he discarded the firearm, was based on probable cause for arrest.

Recommendations

Allegation A— At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus

Grandstaff frisked § 87(2)(b)

Allegation B— At Riverdale Avenue and Herzl Street in Brooklyn, PO Kevin Beasley

frisked § 87(2)(b)

§ 87(2)(b) alleged that he and § 87(2)(b) were approached and frisked without explanation by PO Grandstaff and PO Beasley. § 87(2)(b) alleged that he was initially carrying his gun secreted in his waistband, but as PO Grandstaff and PO Beasley patted his waist and legs, they inadvertently forced the gun to fall further and further down his pant leg until the barrel was resting in his boot. The frisk extended down the entirety of both of § 87(2)(b)'s legs, and § 87(2)(b) claimed he had only his keys in his pocket. § 87(2)(b) alleged that PO Grandstaff and PO Beasley did not discover the gun during this frisk and that only as he walked away did he get nervous by the officers' continued questioning about his limp and throw the gun under the car (officer testimony encl. 7a-10e). The investigation has determined by a preponderance of the evidence that this sequence of events did not occur.

First, § 87(2)(b)'s codefendant § 87(2)(b) provided a brief phone statement (encl. 6a) in which he denied that he or § 87(2)(b) were frisked before their apprehensions. All officers denied this initial alleged frisk, and PO Grandstaff stated he had no physical contact whatsoever with § 87(2)(b) until after he saw § 87(2)(b)'s gun.

§ 87(2)(g)

Allegation C—At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus Grandstaff questioned § 87(2)(b)

Many details of this case are entirely undisputed and highly consistent between civilian and officer accounts. It was shortly after 1:00 a.m. on the incident date when § 87(2)(b) and § 87(2)(b) were walking down a deserted street, with a loaded .22-caliber firearm concealed in § 87(2)(b)'s boot causing him to limp. Between Amboy Street and Herzl Street the two civilians were observed by Lt. Edelman, PO Grandstaff, and PO Beasley who were riding in an unmarked RMP and whose interest was caught by the sight of § 87(2)(b) and his limp.

PO Beasley recognized § 87(2)(b) as a known gang member who was associated with the § 87(2)(b) and who had been the victim of a § 87(2)(b). In fact, § 87(2)(b) stated that the officers called him § 87(2)(b) upon approach, which is his street name. This corroborates PO Beasley's association of § 87(2)(b) as a gang member. Lt. Edelman and PO Grandstaff did not recognize § 87(2)(b) but as § 87(2)(b) is § 87(2)(b), both officers expressed the belief that § 87(2)(b) was a young juvenile child approximately § 87(2)(b) old who was outside at a late hour of the night, seemingly with an injured leg.

Following these observations, the officers tried to ask § 87(2)(b) from their vehicle simple questions regarding where he was going. However, § 87(2)(b) did not stop and continued walking. All testimonies were consistent that PO Grandstaff asked § 87(2)(b) why he was limping, and § 87(2)(b) replied either that "My leg is messed up" (according to § 87(2)(b) or "I got shot last week" (according to officers). Both Lt. Edelman and PO Grandstaff knew this to be a false answer as they were aware that § 87(2)(b) had not been a victim of a shooting the week before. Regardless of wording, § 87(2)(b)'s response suggested that he had been injured, and both PO Grandstaff and PO Beasley exited the vehicle and ordered § 87(2)(b) to stop. In response, § 87(2)(b) crossed the street and attempted to conceal himself behind a parked Ford Explorer. § 87(2)(b) disappeared from the officers' line of sight, and as PO Grandstaff turned the corner, he saw § 87(2)(b) crouched on the ground with the firearm in his hand, and observed him throw it under the car. At this point, PO Grandstaff chased and apprehended § 87(2)(b).

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Allegation D— At Riverdale Avenue and Herzl Street in Brooklyn, PO Thaddeus Grandstaff used physical force against § 87(2)(b)

It is undisputed that PO Grandstaff took § 87(2)(b) to the ground after observing § 87(2)(b) throw a firearm under a car and attempt to flee. § 87(2)(b) alleged that while on the ground, PO Grandstaff kicked or stomped him on the back of his head, causing his face to strike the sidewalk. § 87(2)(b) received an abrasion to the left side of his forehead which is documented in his medical records and his booking photo (encl. 5f).

§ 87(2)(g)
§ 87(2)(g)
Sgt. Groneman reporting § 87(2)(b)'s complaint to IAB Command Center stated that § 87(2)(b) alleged the abrasion on his forehead was consequent to being taken to the ground. In the ambulance call report for § 87(2)(b)'s transport to § 87(2)(b) from Brooklyn Central Booking,

approximately ten hours after the incident, § 87(2)(b) stated he was “pushed to the ground,” not making any allegations of being kicked or stomped.

§ 87(2)(b) who was § 87(2)(b)'s codefendant, provided a brief phone statement to the CCRB. When asked to describe the type of force used against § 87(2)(b) alleged that officers began striking him with their fists and feet, § 87(2)(g) made no mention of any kick or stomp in his statement.

PO Grandstaff denied kicking or stomping § 87(2)(b) and Lt. Edelman and PO Grandstaff likewise denied that PO Grandstaff did this or that § 87(2)(b) made such a complaint.

§ 87(2)(b)'s booking photo depicts a small abrasion on his forehead about two centimeters wide, with no associated bruising and no other injury § 87(2)(g)

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Allegation E— At Riverdale Avenue and Herzl Street in Brooklyn, PO Daniel Berardi spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that after he was apprehended, another RMP came to the scene occupied by an officer he identified by name as PO Berardi, with whom § 87(2)(b) has had police interactions with in the past. PO Berardi approached § 87(2)(b) identified § 87(2)(b) by name and street name, and allegedly said, “You know you fucked up, right?”

PO Berardi said he saw Lt. Edelman and the other officers with § 87(2)(b) in custody, and he stopped his RMP to check to see if everything was okay. PO Berardi stated he spoke to the officers to ask what had happened, but he denied ever having any conversation with § 87(2)(b) PO Berardi, as well as every other officer, denied that he used the phrase “You fucked up” or any similar discourteous language.

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
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Reviewer: _____
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